

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Criminal Action No. 1:13-CR-339 (MAD)

v.

JAMESE L. WILLIAMS and
TERRY R. NICHOLAS,

Defendants.

STIPULATION AND ORDER
FOR ENLARGEMENT OF TIME

STIPULATION

Brian W. Devane, the attorney for defendant Jamese L. Williams, and Timothy E. Austin, the attorney for defendant Terry R. Nicholas in the above-captioned action, having moved for a continuance of ninety (90) days within which the defense may prepare motions, explore plea discussions, and prepare for trial, and Richard S. Hartunian, United States Attorney for the Northern District of New York (by Jeffrey Carll Coffman, Assistant United States Attorney), having consented to the continuance and the proposed exclusion of a ninety (90) day period under the Speedy Trial Act, pursuant to Title 18, United States Code, Section 3161(h)(7)(A), the parties hereby stipulate and agree as follows:

1. The chronology of this case is as follows:
 - a. Date of indictment: September 4, 2013.
 - b. Dates of initial appearance and arraignment: Williams appeared and was arraigned on November 8, 2013. Nicholas appeared and was arraigned on January 13, 2014.
 - c. Defendants' custody status: Williams was released with conditions. Nicholas was detained pending trial.

- d. Prior enlargements of time and exclusions under the Speedy Trial Act: By order dated December 3, 2013, the Court excluded the period of time from December 3, 2013 through March 2, 2014.
- 2. The defendants have requested the continuance based on the following facts and circumstances:
 - a. On November 8, 2013, Williams was arraigned on three counts of a five-count indictment alleging that the defendant engaged in a conspiracy to commit access device fraud and aggravated identity theft, in violation of 18 U.S.C. §§ 1029(b)(2), 1029(a)(1), and 1028A(a)(1).
 - b. Codefendant Terry Nicholas, who was incarcerated out of state at the time of Williams' initial appearance, appeared was arraigned on similar charges on January 13, 2014.
 - c. In accordance with the Court's pretrial order, the government has provided discovery to the defendants, including several hours of surveillance video from dozens of dates and locations.
 - d. Pretrial motions are due on February 14, 2014. The defendants will need additional time to research and prepare motions.
 - e. The parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. The nature of the investigation, its complexity, and the need for the defense to review the discovery, to conduct its own investigation, and to explore plea discussions, make it unreasonable to expect the defense to submit motions by

Fax 939-0899

ATTN: Jeff Coffman, Esq.

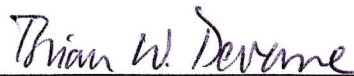
February 14, 2014 and be prepared to defend the case by April 14, 2014 (the presently scheduled trial date), taking into account the exercise of due diligence.

3. The parties stipulate and agree that the time period running ninety (90) days from the date of this order shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).
4. The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: February _____, 2014

RICHARD S. HARTUNIAN
United States Attorney

By: Jeffrey C. Coffman
Assistant U.S. Attorney
Bar Roll No. 517969


Brian W. Devane, Esq.
Attorney for James L. Williams
Bar Roll No. 501138

Timothy E. Austin, Esq.
Attorney for Terry R. Nicholas
Bar Roll No.

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4. The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: February 13, 2014


RICHARD S. HARTUNIAN
United States Attorney

By:


Jeffrey C. Coffman
Assistant U.S. Attorney
Bar Roll No. 517969

Brian W. Devane, Esq.
Attorney for James L. Williams
Bar Roll No.

Timothy E.
Austin

 Digitally signed by Timothy E. Austin
DN: cn=Timothy E. Austin, o=Office of the
Federal Public Defender, N.D.N.Y., ou,
email=tim_austin@fd.org, c=US
Date: 2014.02.13 13:05:31 -05'00'

Timothy E. Austin, Esq.
Attorney for Terry R. Nicholas
Bar Roll No. 508098